

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**MARGARET MOFFAT,
and all others similarly situated,**

Plaintiff,

v.

**CASE NO. 06-13107
HONORABLE DENISE PAGE HOOD**

**CINGULAR AMERITECH MOBILE,
COMMUNICATIONS, LLC, a Delaware
Corportion doing business in the State of
Michigan,**

Defendant.

**ORDER GRANTING DEFENDANT'S MOTION TO STAY ITS OBLIGATION
TO ANSWER OR OTHERWISE RESPOND TO THE COMPLAINT**

Before the Court is Defendant's Motion to Stay its Obligation to Answer or Otherwise Respond to the Complaint Pursuant to Fed. R. Civ. P. 12, filed on October 3, 2008. (Dkt. No. 33) Defendant moves for an Order to stay its obligation to answer Plaintiff's Complaint pending resolution of Defendant's Motion for Reconsideration of this Court's September 22, 2008 Order, also filed on October 3, 2008. (Dkt. No. 32) Defendant acknowledges that the Sixth Circuit has not definitively ruled on whether the pendency of a motion to compel arbitration tolls a party's obligation to respond to the complaint, but states that good cause exists because the burden and expense Defendant will incur in answering or moving for dismissal will undermine the speed, simplicity, and cost-saving objectives of arbitration.

Additionally, the parties attended a Status Conference on this matter on October 20, 2008, wherein this Court orally granted Defendant's request to stay its obligation to answer or

otherwise respond to Plaintiff's Complaint and allow Defendant thirty (30) days from the date of this Court's Order on Defendant's pending Motion for Reconsideration to answer or otherwise respond to the Complaint.

Accordingly, IT IS ORDERED that Defendant's Motion to Stay its Obligation to Answer or Otherwise Respond to the Complaint Pursuant to Fed. R. Civ. P. 12 [**Docket No. 33, filed on October 3, 2008**] is GRANTED.

SO ORDERED.

s/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: November 4, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on November 4, 2008, by electronic and/or ordinary mail.

s/Lisa Ware for William Lewis
Case Manager